

United States Court of Appeals  
For the Eighth Circuit

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No. 13-1904

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Addones Spencer

*Plaintiff - Appellant*

v.

S. Phillips, RN, Federal Correctional Complex-Forrest City; William Resto,  
Doctor, Federal Correctional Complex-Forrest City; T. Hall, Teacher, FCI-Forrest  
City; S. Lopez, Unit Counselor, FCI-Forrest City

*Defendants - Appellees*

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Appeal from United States District Court  
for the Eastern District of Arkansas - Helena

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Submitted: October 31, 2013  
Filed: November 5, 2013  
[Unpublished]

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Before LOKEN, BYE, and BENTON, Circuit Judges.

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PER CURIAM.

Federal inmate Addones Spencer appeals following the district court's<sup>1</sup> dismissal of his action under Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). Upon de novo review, see King v. Iowa Dep't of Corr., 598 F.3d 1051, 1052 (8th Cir. 2010), we conclude that the district court properly denied preliminary injunctive relief and, based on the record before the court, correctly dismissed the complaint without prejudice for lack of administrative exhaustion.<sup>2</sup> The judgment of the district court is affirmed. See 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Susan Webber Wright, United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable Jerome T. Kearney, United States Magistrate Judge for the Eastern District of Arkansas.

<sup>2</sup>In his appellate submissions, Spencer raises several new matters. We decline to address them. See Stone v. Harry, 364 F.3d 912, 914-15 (8th Cir. 2004).